

# Dismissal Asked in Spock Case

4-19-68

By John P. MacKenzie  
Washington Post Staff Writer

BOSTON, April 18—The Justice Department resisted dozens of demands today by lawyers for Dr. Benjamin Spock and other war dissenters for details of the conspiracy case against them.

Assistant United States Attorney John Wall told defense counsel to be content, until trial, with what he has consented to divulge—newsreels of the defendants, hundreds of draft cards and other developing evidence.

After two days of pretrial arguments, Federal Judge Francis J. W. Ford reserved decision on motions to dismiss the indictment, to strike portions relating to free speech and to attempt curing its "vagueness" with a bill of particulars.

A trial in late May is now expected, Dr. Spock's attorney, Leonard B. Boudin, predicted that it would "take weeks or months" unless Judge Ford forces the Government to narrow the issues and give the defense more advance notice of its proof.

The indictment charges a conspiracy to counsel and aid young draft registrants in frustrating the Selective Service system through "a nationwide program of resistance" to the draft.

Under indictment with the baby doctor are Yale chaplain William Sloan Coffin Jr., writer Mitchell Goodman, Harvard graduate student Michael Ferber and former White House disarmament aide Marcus Raskin.

Wall angrily rejected defense demands for the names of "co-conspirators" mentioned but not identified in the indictment.

Referring to the newsreel films exhibited for the defense at a closed session Wednesday, Wall said counsel "have more than the names, they've got their pictures." He called the newsreel display a "dress re-

hearsal for the trial.

As for the identities of individuals who it is claimed were counseled by the principal conspirators, Wall said that in view of the campaign's country-wide appeal, the defense could "look to the United States census" for every American in the 18-to-35 draft bracket.

Defense lawyers said Wall's replies underscored their claims that the indictment was too vague to fulfill its purpose of warning the accused men of the actual charges against them. They said the Government appeared bent on holding their clients responsible for every act of draft resistance on film.

Raskin's lawyer, Telford Taylor, renewed his plea to sever Raskin's trial and transfer it to Washington because Raskin may be held accountable for the actions and utterances of his newsreel "co-conspirators."

Wall berated the defense for finding it "shocking" to charge a conspiracy when the defendants broadcast their views at every opportunity. "The rules are not different because the conspiracy was announced to the world," he said.

All the Government need show is a "meeting of the minds," Wall said. Judge Ford appeared to agree, saying the legal principle was too clear to require further argument from the prosecutor.

Wall confessed that a "national security" wiretap had indirectly touched the case. He said last Sept. 22 someone using the name of one of the defendants dialed a telephone that had been monitored for five years by Federal agents. Monitors overheard someone tell the caller that the party he sought was "not present and the conversation ended," Wall said.

Defense counsel, apparently satisfied that the wiretap had nothing to do with the case, acquiesced as Judge Ford found the eavesdropping irrelevant and impounded the record of the incident.